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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/663,818

09/17/2003

Toshiaki Hata

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EXAMINER

AU, SCOTT D

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

02/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/663,818

Applicant(s)

HATA, TOSHIAKI

Examiner

Scott Au

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 8-16 is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413).
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on November 28, 2007 with respect to claims 1-6 and 8-20 have been fully considered but they are not persuasive.

The applicant states that Johnson's valid signal received will do one of two things; arm or disarm based on the current state of the system. Therefore, the receipt of a valid signal in Johnson will disarm sometimes and the receipt of a valid signal will disarm at other times. Contrary to applicant's arguments this meets the claim limitations. The claim cites that receipt of the valid code causes unlocking and the receipt of the valid code causes engine disable. The claims do not require that both unlocking and engine disable occur in response to a single occurrence receipt of the valid signal.

Also, see rejection U.S.C. 112 below.

Claims 1-6 and 8-20 are pending.

Claim Objections

Claim 17 is objected to because of the following informalities: Claim 17 recites the limitation "vehicle device" in lines 18. Examiner suggests change to "vehicle operation device". There is insufficient antecedent basic for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 17-20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Nowhere in the specification as originally disclosed, is described the limitation that "the released of the vehicle operation system and the disable the engine operation" as claimed. According to the specification (Figure 5. continued), step (S41) the "lock code is collated" then at step (S45) "disable engine operation" which contradicts of what being claimed. This limitation of claims 17-20 contains new matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US# 5,977,654) in view of Onuma et al. (US# 6,876,292).

Referring to claims 17 and 19, Johnson et al. disclose a burglarproof device and method for a vehicle comprising: a portable transmitter (60) (i.e. transmitter) having a first switch (64) (i.e. switch) which transmits a preset first ID code; an activation unit (28) (i.e. control portion) for the vehicle which receives the first ID code from the portable transmitter and collates the first ID code with a prestored second ID code, such that a locked state of a vehicle operation device for the vehicle is released when the activation unit receives the first ID code; and an engine operation restraining unit which disables an engine operation based on a signal from the activation unit (col. 2 lines 23-25 and col. 5 lines 25-62), and wherein the transmission of the preset first ID code by the portable transmitter to the activation unit is a final communication between the portable transmitter and the activation unit that causes the activation unit to release the vehicle operation device and causes the activation unit to send the signal to the engine operation restraining unit to disable the engine operation (col. 5 lines 25-62).

However, Johnson et al. did not explicitly disclose wherein the signal from the activation unit is sent after the vehicle device has been released in response to the receipt of the first ID code by the activation unit.

In the same field of endeavor of vehicle system, Onuma et al. disclose the door unlock ID code is prior to the starting engine ID code (col. 5 lines 17-30).

One ordinary skill in the art understands that the door unlock ID code is prior to the starting engine ID code of Onuma et al. is desirable in the vehicle system of

Jonhson et al. because both Jonhson et al. and Onuma et al. teach the security operation of a vehicle. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include the door unlock ID code is prior to the starting engine ID code of Onuma et al. into vehicle operating system of Jonhson et al. with the motivation for doing so would allow the security of burglar prevention.

Allowable Subject Matter

Claims 1-6 and 8-16 are allowed.

Referring to claims 1 and 12, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that "wherein the signal to disable the engine operation is sent by the activation unit if a time period between the release of the vehicle operation device by the activation unit and a detection of a start of the engine operation exceeds a predetermined time period".

Regarding claims 2-6 and 8-15 are allowed because the claims are dependent upon claims 1 and 12.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached at (571) 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-272-1817.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3050.

Scott Au
Examiner
Art Unit 2612



BRIAN ZIMMERMAN
SUPERVISORY PATENT EXAMINER